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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/487,803	01/20/2000	Oswald Kuwert	105273	3599

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EXAMINER

LAM, THANH

ART UNIT PAPER NUMBER

2834

DATE MAILED: 04/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/487,803

Applicant(s)
Kuwert et al.

Examiner
Thanh Lam

Art Unit
2834



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Feb 7, 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-23 is/are pending in the application.
- 4a) Of the above, claim(s) 17-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

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DETAILED ACTION

Election/Restriction

1. Newly submitted claims 17-23 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: claims 9-16, species A of fig. 1, and claims 17-23 species B of fig. 2. The species are distinct as a separate status.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 17-23 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 9-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hishida et al. in view of Maegawa et al.

Hishida et al. disclose a spindle motor for a disk driving device, comprising: a housing (202) having a cylindrical projection portion (210) formed integrally with the housing; a stator

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(226) comprising a stack and coils (218) wound around the stack, the stator mounted on an outer circumference of the cylindrical projection portion of the housing to confront a magnet (220); a lead wire of the coils connected to an electric supplying connector portion (not show); a rotor (206) having a central hole and a downwardly depending flange (222) at an outer periphery thereof, the rotor supported rotatably relative to the housing by a bearing means (216), the magnet disposed on an inner peripheral surface of the downwardly depending flange of the rotor; and a shaft (204) fitted in the central hole of the rotor, wherein the bearing means is a pair of ball bearings, the ball bearings are disposed in the cylindrical projection portion of the housing with a spacer disposed between the bearings and the housing.

Hishida et al. do not disclose the rotor and the housing are made of a super engineering plastic material.

Maegawa et al. disclose motor parts are made of a super engineering plastic material for purpose of heat resistant.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the rotor of Hishida et al. to make it from a super engineering plastic as taught by Maegawa et al. in order to improve the heat resistant of the rotor.

Regarding claim 10, Maegawa et al. disclose the super engineering plastic material is selected from liquid crystal polymer (col. 7, lines 49-50).

Regarding claim 11, Maegawa et al. disclose the spacer is formed integrally with said housing.

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Regarding claim 12, Hishida et al. disclose the lead wire is connected to the electric supplying connector portion through a through-hole formed in the housing.

Regarding claim 13, Maegawa et al. disclose 13. the electric supplying connector portion is molded with the housing in a unitary manner.

Regarding claim 14, Maegawa et al. disclose the lead wire is connected to a flexible printed circuit board (314).

Regarding claim 15, Maegawa et al. disclose the magnet is a rubber magnet.

Regarding claim 16, Hishida et al. disclose the spindle motor is for a removal type of disk drive.

Response to Arguments

4. Applicant's arguments with respect to claims 9-16 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh Lam whose telephone number is (703) 308-7626. The fax phone number for this Group is (703) 305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0656.



Thanh Lam

Patent Examiner

April 9, 2002



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